

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Francesco Sardone on 09/27/10.

The application has been amended as follows:

#### **CANCEL CLAIM 47**

In claim 28, line 11: after "the tubular member", delete "until" and insert --- *from a first position proximal of the distal member to a second position where ---*

In claim 39, line 13: before "the distal portion", insert --- *the proximal end of ---*

In claim 44, line 9: before "the distal portion", insert --- *the proximal end of ---*

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: there is no prior art alone or in combination that discloses an orifice introducer device with a tubular member, a tubular insertion device and a distal portion having a proximal end with an annular groove that constrains the proximal end of the distal portion against radial

contraction when in contact with the tubular member and having a proximal end that contracts radially inward when detached from the tubular member such that the proximal end of the distal portion has an outer diameter smaller than the inside diameter of the tubular insertion device to allow the distal portion to be removed through the tubular insertion device. There is no prior art alone or in combination that discloses a device having a tubular member and a distal portion that is movable between a first expanded portion attached to the distal end of the tubular member and having a proximal end oriented in the proximal direction and a second contracted configuration when the distal portion is detached and having a proximal end oriented in a distal direction. There is no prior art alone or in combination that discloses a method that incorporates selectively detaching the distal portion from the tubular member by distally advancing a tubular insertion device to distally move the distal portion such that the proximal end of the distal portion contracts to a smaller diameter than the diameter of the tubular member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH HOUSTON whose telephone number is (571)272-7134. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. H./  
Examiner, Art Unit 3731

/Anhtuan T. Nguyen/  
Supervisory Patent Examiner, Art Unit 3731  
09/30/2010